LIST OF CONTENTS

	Page
Docket Entries	1
Stipulation of the Parties	8
Exhibit 10 to the Stipulation	21
Exhibit 11 to the Stipulation	32
Deposition Testimony:	
County Commissioner Robert Y. Eckels	40
County Commissioner Tom Bass	53
County Judge Bill Elliott	84
County Commissioner Jamie H. Bray	96
Judgment Order of the District Court	104
Opinion of the District Court	106

CLERK'S DOCKET ENTRIES

THREE JUDGE COURT REQUESTED

CONSOLIDATED WITH C.A. 73-H-1033
TO BE CARRIED UNDER C.A. 73-H-993

73 - H - 9

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

Three Judge Court
John T. [illegible]
Carl O. Bue
Thomas Gee

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
RICHARD E. MOORE, J. C. BOLTON, VERNON G. DOERING, J.W. MAHAN, GENE ZABOROSKI, and JOHN HOWE BOYNTON, On His Own Behalf and On Behalf of Every Resident Citizen of the Former Justice of the Peace Precinct NOS. 5, 6 & 7 of Harris County, Texas VS HARRIS COUNTY COMMISSIONERS COURT, WILLIAM ELLIOTT, Individ. and as County Judge of Harris County E.A. LYONS, Individ. and as a Member of the Harris Co. Commissioners Court ROBERT ECKELS, Individ. and as a Member of the Harris Co. Commissioners Court JAMIE BRAY, Individ. and as a Member of the Harris Co. Commissioners Court TOM BASS, Individ. and as a Member of the Harris Co. Commissioners Court	For plaintiff: Virgil H. Barfield 500 Houston Bar Center Bldg. 723 Main Street Houston, Texas 77002 225 Gene Zaboroski: C. Anthony Friloux, Jr. EDDINGTON & FRILOUX 1215 First National Life Bldg. Houston, Texas 77002 227 For defendant: Edward J. Landry, Sr. Asst. Co. Harris County Courthouse Houston, Texas 77002 228

STATISTICAL RECORD	COSTS			DATE	NAME OF RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed	Clerk			7-13-73	Barfield	45	00		
				7/20/73	C/O 1-2			15	00
J.S. 6 mailed	Marshal			7/31/73	S. Ref Ck.	15	00		
				8/1/73	C/O 1-4			15	00
Basis of Action: Constitutionality of state statutes concerning redistricting Injunctive relief	Docket fee			2-7-74	Harris Co. Notice Appeal	5	00		
	Witness fees			2-13-74	C/O 1-25			5	00
Action arose at:	Depositions			3-8-74	Harris Co Amend. Notice	5	00		
				3/15/74	C/O 1-28			5	00

73-H-993 THREE JUDGE COURT REQUESTED

JOHN V. SINGLETON,

DATE	PROCEEDINGS	Date Order/Judgment
7-13-73	Pltf. ORIGINAL COMPLAINT with request for Temporary Restraining Order, filed. SUMMONS not issued due to no service copies.	1
7-20-73	SUMMONS issued on deft. (5 - each issued "Individ. and as member of Harris County Commissioners' Court...")	
7-25-73	RETURN OF SUMMONS on the following, served 7-24-73:	
	Robert Eckels, filed.	4
	William Elliott, filed.	5
	E. A. Lyons, filed.	6
	Tom Bass, filed.	7
7-25-73	(JVS) ORAL ORDER to consolidate C.A. 73-H-1033 with C.A. 73-H-993 entered. Case will be carried under C.A. 73-H-993 and all future pleadings will be filed in C.A. 73-H-993. Parties ntfd. rm.	
7-26-73	RETURN OF SUMMONS on deft. Tom Bass, served 7-25-73, filed.	8
8-3-73	Pltf. BRIEF, filed.	108
	(JVS) HEARING ON APPLICATION FOR TRO: Testimony of witnesses. Court denies TRO.	
8-9-73	RETURN OF SUMMONS on the following, served 8-2-73, filed.:	
	Jamie Bray.	8
	William Elliott.	9
	Harris County Commissioners Court.	10
	Jamie Bray.	11
8-17-73	BRIEF OF PLAINTIFFS, filed.	133 12
8-17-73	(JRB) ORDER, setting up a three judge court to afford opportunity to brief and argue all questions either preliminarily or on the trial of the merits, or otherwise, as that Court thinks. Judges designated: Requesting Judge, Honorable John V. Singleton, Jr., for the Southern District of Texas; District Judge, Honorable Carl Bue, for the Southern District of Texas; Circuit Judge, Honorable Thomas G. Gee, filed. Parties Ntfd. ds	138 13
8-28-73	Pltf. (CA 73-H-1033) FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTION, filed. SUMMONS issued on deft. (4).	140
9-6-73	RETURN OF SUMMONS on the following, served 8-31-73, filed:	
	Harris County Commissioners Court as an entity	15
	Tom Bass, Harris County Commissioner.	16
	Bill Elliott, County Judge.	17
9-7-73	Deft. MOTION FOR DISSOLUTION OF THREE-JUDGE PANEL AND MOTION TO DISMISS, filed. M/D 9-17-73.	161

Page 2 of 10

75-H-99

D. C. 1964 Rev. Civil Docket Continuation

JOHN V. SINGLETON, JR.

DATE	PROCEEDINGS	Date Order or Judgment
9-13-73	Pltf. MOTION FOR DEFAULT JUDGMENT, filed. M/D 10-15-73 by clerk.	168
9/17/73	Pltfs' FIRST AMENDED COMPLAINT for Declaratory Relief, filed.	171
9-17-73	In the Moore case, leave is granted to file an amended complaint. In these consolidated cases the attorneys will prepare and submit for filing on or before 5:00 P.M. October 1, 1973, stipulated facts. If there are any disputed facts within this same period of time the attorneys will take, have transcribed, and file depositions and/or answers to written interrogatories relating to any unresolved or unstipulated facts. On or before October 8, 1973 at 5:00 P.M. the attorneys will prepare and file briefs supporting not only their respective contentions on the merits of the case, but also briefs relating to whether or not this is properly a case for determination by a three-judge court. A hearing will be held before the three-judge court on November 15, 1973 at 2:00 P.M. at which hearing the attorneys will be prepared to present oral arguments presenting their respective legal positions. JVSJR. Parties ntfd. rm.	
9-28-73	Agreed Motion for Extension of Time to Complete Discovery, filed.	196
9-28-73	(JVS) ORDER, filed, granting agreed motion for extension of time to complete discovery and submit stipulations of facts to 10-8-73, 5:00 p.m.; submit briefs to 10-15-73. Parties ntfd. mg	199
9/28/73	Return of Summons on Jamie Bray, served 9/18/73, filed.	
10/5/73	Pltf., G Zaboroski's FIRST AMENDED COMPLAINT for injunctive relief, declaratory relief, civil damages and attorney's fees, filed.	200
10/9/73	DEPOSITION of Walter H. Rankin, filed.	
10/9/73	DEPOSITION of Robert Y. Eckels, filed.	
10/9/73	DEPOSITION of Tom Bass, filed.	
10/9/73	DEPOSITION of Blackie Neeley, filed.	
10/9/73	DEPOSITION of Judge Bill Elliott, filed.	
10/9/73	DEPOSITION of Sheriff Jack Heard, Major Tom Pickens and Captain Ellis Ebarb, filed.	
10/9/73	STIPULATION between plaintiffs and defts Elliott, Lyons, Eckels, Bray and Bass, filed.(w/exhibits)	215
10/9/73	Agreed MOTION to Continue Discovery, extending time for discovery, until November 8, 1973, filed.	252
10/15/73	Plaintiff's BRIEF, filed.	
10/15/73	Defts' BRIEF in support of Motion to Dissolve Three Judge Panel and Motion to Dismiss, filed.	257 261
10/16/73	Plaintiff's FIRST AMENDED BRIEF, filed.	
10-18-73	Plaintiff Zaborski's BRIEF in support of Jurisdiction, filed.	292 320
	DEPOSITION of Blackie Neeley, filed.	

73-H- 993

JOHN V. SINGLETON, JR.

Page Two

DATE	PROCEEDINGS	Date of Judgment
11/7/73	JOINT STIPULATION, filed. Stipulating that all evidence, including pretrial discovery evidence, that is admitted by the Court in CA 73-H-993 will also be simultaneously admitted in evidence in CA 73-H-1033.	351
11/12/73	DEPOSITION of Jamie H. Bray, filed.	
12/18/73	Pltf. Zaborowski's SUPPLEMENTAL BRIEF IN SUPPORT OF JURISDICTION, filed.	353
1-30-74	(JVS)(TG)(COB) ORAL ARGUMENT ON LEGAL POSITION: Argument of counsel. Court takes case under advisement.	
1-30-74	(JVS)(TG)COB) ORDER, filed. Court has jurisdiction; the Texas statute Article 2351½ is facially unconstitutional and the order of the Commissioners Court of Harris County, Texas, of June 28, 1973, complained of herein issued pursuant thereto is permanently enjoined. An opinion of the court will follow. Parties ntfd. rm.	363
2-1-74	Defts' MOTION FOR STAY OF JUDGMENT AND SUPERSEDEAS, filed.	365
2-1-74	(JVS) ORDER, filed, Defts Motion for a stay pending its appeal to the Supreme Court is denied. Parties ntfd. jab	368
2-4 74	Defts' Notice of Appeal, filed. (To Supreme Court)	369
2-8-74	(JVS, TGG, COB) OPINION, filed. Pltfs are entitled to serve the terms to which they were elected. Insofar only as Article 2351-1/2, Texas Revised Civil Statutes mandates otherwise, it is unconstitutional. Defts' order of January 30, 1973, undertaking to appoint other persons to pltfs' offices and to prevent pltfs from carrying out their duties and receiving emoluments of their offices during the term to which they were elected, is likewise invalid. Parties ntfd. jab	372
2-8-74	Certified copy of Order of Supreme Court of the U.S. GRANTING Appellant's application for Stay of Dist. Court's Order of 1/30/74 pending further order of the Supreme Court, rec'd & filed.	
3-7-74	Deft's Amended Notice of Appeal to Supreme Court, filed.	376
4-1-74	Reporter's Transcript of Proceedings, filed. Page 1 thru 78	

CONSOLIDATED WITH C.A. 73-H-993 TO BE CARRIED UNDER C.A. 73-H-993 73-H-1

CIVIL DOCKET

UNITED STATES DISTRICT COURT Jury demand date:

D. C. Form No. 106A Rev. JOHN V. SINGLETON, J

TITLE OF CASE	ATTORNEYS
BLACKIE NEELEY VS HARRIS COUNTY COMMISSIONERS COURT AS AN ENTITY; WILLIAM ELLIOTT, Individually and as County Judge of Harris County; JAMIE BRAY, Individually and as a member of the Harris County Commissioners Court. TOM BASS, Individually and as a member of the Harris County Commissioners Court.	For plaintiff: Larry B. Kerfoot GARDNER, TURNER, KERFOOT, & GUY 910 Houston Bar Center Bldg. Houston, Texas 77002 For defendant:

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk		7-23-73	G, T, K & G	15 00	
J.S. 6 mailed	Marshal		7/26/73	0/0 1-3		15 00
Basis of Action: Constitutionality of state statutes concerning redistricting; Injunctive relief.	Docket fee					
	Witness fees					
Action arose at:	Depositions					